

**RECORDS MANAGEMENT COMMITTEE**  
City Manager's Conference Room, Eighth Floor  
400 Stewart Avenue, Las Vegas, Nevada  
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>

**January 12, 2001**  
**3:30 p.m.**

**CALL TO ORDER:** City Clerk Ronemus called the meeting to order at 3:38 p.m.

**ATTENDANCE:** Barbara Jo (Roni) Ronemus, City Clerk  
Doug Selby, Deputy City Manager  
Philip Cheng, Senior Internal Auditor  
John Redlein, Assistant City Attorney (Excused)  
Larry Bettis, Deputy City Attorney (Excused)  
Mark Vincent, Director, Finance and Business Services  
Joseph Marcella, Director, Information Technologies  
Richard Goecke, Director, Public Works (Excused)  
Sharon Kuhns, Records Administrator  
Vicky Darling, Assistant Deputy City Clerk

**ANNOUNCEMENT MADE RE COMPLIANCE WITH THE OPEN MEETING LAW** - Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board  
Senior Citizens Center, 450 E. Bonanza Road  
Clark County Government Center, 500 S. Grand Central Pkwy  
Court Clerk's Bulletin Board, City Hall  
City Hall Plaza, Posting Board

(3:39)

**1-16**

**BUSINESS:**

**A. APPROVAL OF FINAL MINUTES BY REFERENCE OF THE RECORDS MANAGEMENT COMMITTEE MEETING OF DECEMBER 18<sup>TH</sup>, 2000**

**MARCELLA - Motion to APPROVE - VINCENT - seconded the motion – UNANIMOUS with Redlein and Goecke excused**

(3:39)

**1-18**

**B. DISCUSSION AND POSSIBLE ACTION ON THE CITY OF LAS VEGAS PUBLIC RECORDS PROCEDURES AND REPRODUCTION COSTS.**

Chair Ronemus reviewed the changes incorporated into the procedure pursuant to the last Records Management Committee meeting. She pointed out that there was a deviation from the recommendation made by Assistant City Attorney John Redlein to the definition for public record whereby the words "and are otherwise available" was not included. Ms. Kuhns

responded that the language provided is a direct quote from the established law. Chair Ronemus indicated that the rationale for the deviation was to provide clarification to the reader and directed Ms. Kuhns to check the matter with Assistant City Attorney John Redlein. Mr. Marcella confirmed that the addition was made to the procedure that any record declared by law as confidential constitutes a public record pursuant to discussion at the previous Committee meeting.

Chair Ronemus initiated discussion regarding creation of a definition for a standard page. The resolution drafted by Assistant City Attorney John Redlein includes a reference to a standard page and therefore should the procedure include a definition of such. Deputy City Manager Selby explained that he raised the issue given the difference in reproducing an 8.5 x 11 black and white copy off a copier machine versus generating a large or colored document. Mr. Vincent indicated that 8.5 x 11 or 8.5 x 14 would be standard and the language could be standard legal or letter page. Mr. Marcella added that computer generated reporting would be also fall into the standard definition.

Chair Ronemus reviewed with Ms. Kuhns the revisions made to the routine, non-routine and extraordinary sections of the procedure. Deputy City Manager Selby confirmed that the language difference between routine and extraordinary definitions was appropriate. In addition, the forfeiture language had been incorporated into the extraordinary public record requests. Chair Ronemus confirmed with the members that no additional changes were recommended to the routine and non-routine portions of the procedure. Chair Ronemus verified that the forfeiture language made it clear that a second request following failure to pickup the requested information the first time would require additional payment.

Chair Ronemus and Mr. Vincent voiced the concurrence of the members that the procedure has reached a point where the procedure is in a livable condition, particularly in light of the language which provides flexibility.

Chair Ronemus returned discussion regarding the procedure and incorporated changes to the request form. The purpose of the form is to gather as much information as possible from the person making the request and an acknowledgement by the requestor of the fees involved and possible forfeiture. The back of the form provides a space for tracking notes by staff. Staff will have to be trained to use the form in accordance with the adopted procedure. Deputy City Manager Selby pointed out the form would not work for a Department who had adopted an alternative fee schedule. Ms. Kuhns responded that Neighborhood Services has designed their own form which incorporates a new release aspect. A consensus was reached that alternative forms as well as alternative fee schedules should be brought before the Committee for review and approval. As part of a Committee action, the documents would then become part of the minute record for the Committee meeting. Chair Ronemus commented that the use and process for approval of alternative forms and fee schedules should be included within the procedure and should address revision of forms. Ms. Kuhns utilized a provided schedule to demonstrate the confusing format of some of the Department schedules.

Deputy City Manager Selby asked whether the request form could be used as a receipt and confirmed that the requester could get a copy of the request form for their use or tracking

purposes. Mr. Vincent outlined the automated cash receipt program that is already being done for individual Departments by the Treasurer, but training for the City Clerk's might be appropriate if it is determined to be cost-effective. Chair Ronemus discussed with Ms. Kuhns the use of Generic Public Records Request as a title for the document and specifically designed forms would be reviewed by the Committee.

Ms. Kuhns confirmed with Mr. Marcella and some of the fees posted by the Geographical Information System Division are exactly what the City is charged by the County for the information.

Deputy City Manager Selby questioned whether providing documents free would be discretionary or have to be governed by the fee schedule. He suggested a separate policy could address courtesy copies and things of that nature. Chair Ronemus counted that deviations were required to be posted and offered language for other entities with whom the City has a reciprocal agreement. Deputy City Manager Selby responded that there are occasions when providing documentation free is in the best interests of the City. Perhaps language could be included that the fees apply unless otherwise determined by the Director and the Director would submit the conditions under which fees are changed or waived. Mr. Vincent explained that there are occasions when charging is not cost-effective. There was discussion of the example when Mr. Marcella's Department has provided a minimal number of copies to United Way, a non-profit corporation. Mr. Vincent indicated that he agreed with leaving Directors with some discretion, but could not provide the wording necessary for posting of that authority. Chair Ronemus agreed that there are occasions when it is in the best interests of the City, but how to do that with consistency and without creating gray areas. Ms. Kuhns added that requestors will then ask for the Directors every time. Mr. Cheng confirmed that employees requesting documents outside the conduct of business are charged as private citizens.

Mr. Vincent stated that a bar could be created to maximize cost-effectiveness. For example, anything less than 10 pages would be free. But once that became known and posted, everyone would simply request 9 pages at a time until they obtained the entire record. Any bar would still create a gray area just above or below that bar. Judgment calls still reasonably exist. Mr. Marcella replied that practically speaking very few Departments actually charge for documents. Chair Ronemus answered that citizens will go to the Department who does not charge versus the City Clerk's office who does. Deputy City Manager Selby noted that the problem is the statute which requires the information and any deviations be posted. Ms. Kuhns suggested that individual fees are posted in the office conspicuously and then deviations are on file with the Committee. Ms. Kuhns and Chair Ronemus agreed that the matter should be examined by Assistant City Attorney John Redlein before bringing the item back before the Committee at its next meeting.

Mr. Marcella verified with Chair Ronemus that Assistant City Manager Betsy Fretwell will be invited to the next meeting given her responsibility for fee schedules. Chair Ronemus and Ms. Kuhns took the opportunity to advise Deputy City Manager Selby that he will be chairing the next Committee meeting on February 2, 2001, as it is the last day for candidate filing. A consensus was reached of the members that no motion would be taken on this item pending

resolution of the issues raised regarding approval and revisions of fees schedules and forms or policy regarding waivers which may need to be incorporated into the procedure.

There was no further discussion.

(3:39 – 4:36)

**1-30**

**C. DISCUSSION AND POSSIBLE ACTION ON THE CITY OF LAS VEGAS RESOLUTION ON FEES CHARGED FOR PUBLIC RECORDS AND CERTIFICATION OF RECORDS.**

Chair Ronemus complimented the quality of the resolution drafted by Assistant City Attorney John Redlein. In addition, Ms. Kuhns summarized the Departmental responses to the records survey regarding copies provided, certification of copies, charges involved, posted fee schedules and non-standard copies or non-paper reproduction such as audio or video tapes.

Chair Ronemus pointed out that there is a practice within the Departments to give free a minimal number of pages. Perhaps an alternative schedule should be provided. Mr. Vincent rebutted that it would not be so burdensome and that providing free copies to other entities is a matter of a reciprocal arrangement. The City gives copies of its documents, such as the budget, but also receives copies of similar documents from the County or other entity. He would suggest that Purchasing would require a separate fee schedule involving plans and bid documents. Currently plan sets are provided for the actual cost of reproduction. While the standard \$1 per page fee would be unreasonable given the size of bid documents and plans/blueprint reproduction, there does need to be a fee to provide an incentive for companies to utilize PurchasePro despite the \$25 annual fee in order to electronically access to the same documentation. Staff walks a fine line to provide the documentation without creating claims for discrimination. There should be a finite list of exceptions to the standard fee schedule. The resolution should be easy establish and defend.

Ms. Kuhns noted that the City Clerk's office provides documentation free prior to the meeting as required by law. However, it charges \$1 per page for paper copies afterward and provides electronic or faxed copies free. Detention & Enforcement provides the first five pages free and then charges \$1 per page. Mr. Cheng questioned that Departments can decide not to charge at all. Chair Ronemus rebutted that the resolution would require the fee and any exception would require an alternative schedule be approved by the Records Management Committee. Ms. Kuhns added that such fee schedule(s) would need to be posted.

Chair Ronemus requested comments on the use of the word extraordinary within the third paragraph of the proposed resolution. Ms. Kuhns suggested utilizing extensive. Mr. Vincent recommended the use of the word significant. Mr. Marcella concurred with extraordinary. Deputy City Manager Selby added that extraordinary indicates a variably. Perhaps reference to variable fees as appropriate would cover both sides of the discussion and provide the flexibility being sought. Chair Ronemus concurred and recommended that the resolution be amended prior to adoption at the next Committee meeting. Future revision may be necessary based on

procedure changes. Mr. Vincent confirmed with Ms. Kuhns that business impact studies are only required on ordinances and not historically for resolutions.

There was no further discussion.

NOTE: Additional discussion regarding fees and alternative fee schedules were discussed under Item B.

(3:39 – 4:36)

**1-30**

**D. DISCUSSION AND POSSIBLE ACTION ON THE FORMATION OF AN ELECTRONIC RECORDS TASK FORCE TO ASSIST THE RECORDS MANAGEMENT COMMITTEE ON ISSUES OF ELECTRONIC RECORDS**

Chair Ronemus requested input regarding a possible task force to investigate and educate the Committee with regard to electronic records. Mr. Marcella suggested that the records delegates could identify their needs for electronic records managements. These were the individuals who have already been involved in a lot of the on-going projects which affect the records to be managed. That will also result in some inventorying with an impact study conducted internally or utilizing an outside consultant. This will provide a good opportunity since much of the process has been preliminarily done and categories would then be identified. It would also create an opportunity to look at systems being installed and the interface.

Chair Ronemus verified that Ms. Kuhns would chair the task force and Mr. Marcella would be on the task force. Deputy City Manager Selby questioned whether a task force formally established by this Committee would be subject to the Open Meeting Law, thereby making it difficult for such a task force to operate. Chair Ronemus recommended that the Committee simply give direction to Ms. Kuhns and Mr. Marcella to investigate and report to the Committee. Since the Committee will make the policy resulting from the information at an Open Meeting and no task force would be formally established, the Open Meeting Law would not apply. Mr. Marcella pointed out that this would be similar to the efforts of the records delegates.

There was no further discussion.

(4:36 – 4:42)

**1-2044**

**E. INFORMATIONAL MATTERS FOR FUTURE RECORDS MANAGEMENT COMMITTEE AGENDAS.**

Mr. Marcella outlined a need for the City to address privacy issues and a policy for such. It is a situation where public record and individual security come together. As an example, Mr. Marcella cited interactive maps to which some entities allow access by name. The City only permits access via address. Ms. Kuhns countered that by going to another entity's website, the requestor can obtain the same information. Mr. Marcella responded that it is a conscience effort on the part of the City. Ms. Kuhns suggested something like the City of Las Vegas recognizes the individual's privacy rights and in doing so establishes a list which can be created as part of the

policy. Mr. Marcella indicated that he has obtained samples and examples from other entities. The policy could address potential liability on the part of the City. Mr. Vincent confirmed that the item to be discussed would include all records and not just electronic records. The policy would define confidential records and operational security. Chair Ronemus expressed a concern about the Committee moving toward deliberation on a non-agendaed item. An item will be placed on the next agenda for meaningful discussion with City Attorney guidance and advice.

There was no discussion.

(4:42 – 4:45)

**1-2316**

**CITIZENS PARTICIPATION:**

None.

**ADJOURNMENT:**

**VINCENT - Motion to ADJOURN - MARCELLA - seconded the motion – UNANIMOUS with Redlein and Goecke excused**

The meeting adjourned at 4:45 p.m. **(1-2570)**

/vwd